

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JUSTIN NICHOLAS JENNINGS,

Petitioner,

v.

JACK WARNER,

Respondent.

CASE NO. 3:22-cv-05314-TL-JRC

ORDER STAYING THE CASE

The District Court has referred this action to Chief United States Magistrate Judge J. Richard Creatura. Petitioner Justin Nicholas Jennings, proceeding *pro se*, filed a federal habeas petition pursuant to 28 U.S.C. § 2254, seeking relief from a state court conviction. Currently before the Court is petitioner's unopposed motion to stay the proceedings. Dkt. 29.

District courts may use a "stay-and-abeyance" procedure while a petitioner exhausts his claims in state court. *Rhines v. Weber*, 544 U.S. 269, 275-77 (2005); *Calderon v. United States District Court (Taylor)*, 134 F.3d 981, 988 (9th Cir. 1998). Petitioner argues a stay is proper because he intends to file a personal restraint petition ("PRP") in state court within 45 days to

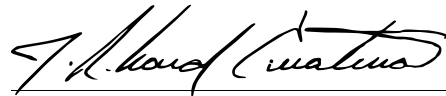
1 further challenge his relevant state court conviction. Dkt. 29. Respondent has filed a response  
2 stating he agrees with petitioner that it would be a proper exercise of discretion for the Court to  
3 stay the federal proceedings because the state PRP proceedings remain pending. Dkt. 30.

4 After reviewing the relevant record, the motion (Dkt. 29) is granted. The case is stayed.

5 Petitioner is directed to file a report every ninety (90) days informing the Court of the  
6 status of petitioner's state court proceedings. The first status report is due on or before **April 14,**  
7 **2023**, and shall include the state court cause number(s). If the state court dismisses or resolves  
8 petitioner's state court proceedings, petitioner is directed to inform the Court and file a motion to  
9 lift the stay within 30 days of the state court taking action. Respondent's answer shall be filed 45  
10 days after the stay is lifted.

11 The Clerk is directed to strike the noting date and remove from the Court's calendar the  
12 corrected response dated December 7, 2022. Dkt. 27.

13 Dated this 12th day of January, 2023.

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15 J. Richard Creatura  
16 Chief United States Magistrate Judge  
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